## UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

GREENWICH INVESTORS XXIV, LLC Plaintiff	)	Case No. 07 C 6466 Hon. William T. Hart
v.	)	Hearing Date: 2/13/08 Hearing Time: 11:00 a.m.
Walter Johnson II, Ann L. Domikaitis,	)	
A&W, Inc. and Enterprise Industries, Inc.	)	
Defendants	)	

## DEFENDANTS' AGREED MOTION TO VACATE TECHNICAL DEFAULT AND GRANT LEAVE TO RESPOND

To: William T. Hart, District Judge

Now comes Walter Johnson II, Ann L. Domikaitis, A&W, Inc. and Enterprise Industries, Inc. (collectively, the "Defendants"), the Defendants in the captioned Case, and represents as follows:

- 1. On November 14, 2007, Greenwich Investors XXIV, LLC (the "Plaintiff") filed a complaint commencing the above captioned case.
  - 2. On January 3, 2008, the Plaintiff filed an amended complaint.
  - 3. On January 31, 2008, the Plaintiff filed a motion for default judgment.
- 4. On February 5, 2008, Judge Hart denied Plaintiff's motion for default judgment without prejudice.
  - 5. Defendants have not yet filed an answer in this case.
- 6. Plaintiff's attorney has agreed to allow the Defendants until February 22, 2008 to file an Answer to the Complaint or otherwise plead.

## WHEREFORE, Defendants request the entry of an order:

- Vacating any technical default caused by the Defendants' failure to file an

  Answer; and
- 2. Granting Defendants until February 22, 2008 to file an Answer or otherwise plead.

Respectfully submitted, Walter Johnson II; Ann L. Domikaitis; A&W, Inc.; and Enterprise Industries

By: /s/ Chester H. Foster, Jr. One of its Attorneys

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